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1 **TITLE VI—GIFTED AND**
2 **TALENTED CHILDREN**

3 **SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND**
4 **TALENTED CHILDREN.**

5 Part B of title X of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 8031 et seq.) is amend-
7 ed to read as follows:

8 **“PART B—GIFTED AND TALENTED CHILDREN**

9 **“SEC. 10201. SHORT TITLE.**

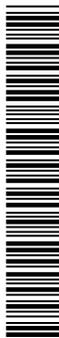
10 “This part may be cited as the ‘Jacob K. Javits Gift-
11 ed and Talented Students Education Act of 1999’.

12 **“SEC. 10202. FINDINGS.**

13 “The Congress finds the following:

14 “(1) While the families or communities of some
15 gifted students can provide private programs with
16 appropriately trained staff to supplement public edu-
17 cational offerings, most high-ability students, espe-
18 cially those from inner cities, rural communities, or
19 low-income families, must rely on the services and
20 personnel provided by public schools. Therefore, gift-
21 ed education programs, provided by qualified profes-
22 sionals in the public schools, are needed to provide
23 equal educational opportunities.

24 “(2) Due to the wide dispersal of students who
25 are gifted and talented and the national interest in



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1 a well-educated populace, the Federal Government
2 can most effectively and appropriately conduct sci-
3 entifically based research and development to pro-
4 vide an infrastructure and to ensure that there is a
5 national capacity to educate students who are gifted
6 and talented to meet the needs of the 21st century.

7 “(3) State and local educational agencies often
8 lack the specialized resources and trained personnel
9 to consistently plan and implement effective pro-
10 grams for the identification of gifted and talented
11 students and for the provision of educational services
12 and programs appropriate for their needs.

13 “(4) Because gifted and talented students gen-
14 erally are more advanced academically, are able to
15 learn more quickly, and study in more depth and
16 complexity than others their age, their educational
17 needs require opportunities and experiences that are
18 different from those generally available in regular
19 education programs.

20 “(5) Typical elementary school students who
21 are academically gifted and talented already have
22 mastered 35 to 50 percent of the school year’s con-
23 tent in several subject areas before the year begins.
24 Without an advanced and challenging curriculum,



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1 they often lose their motivation and develop poor
2 study habits that are difficult to break.

3 “(6) Elementary and secondary teachers have
4 students in their classrooms with a wide variety of
5 traits, characteristics, and needs. Most teachers re-
6 ceive some training to meet the needs of these stu-
7 dents, such as students with limited English pro-
8 ficiency, students with disabilities, and students
9 from diverse cultural and racial backgrounds. How-
10 ever, most teachers do not receive training on meet-
11 ing the needs of students who are gifted and tal-
12 ented.

13 **“SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUB-**
14 **PARTS 1 AND 2.**

15 “(a) SUBPART 1.—Subpart 1 shall be in effect only
16 for a fiscal year for which subpart 2 is not in effect.

17 “(b) SUBPART 2.—

18 “(1) IN GENERAL.—Subpart 2 shall be in effect
19 only for any fiscal year for which the amount appro-
20 priated to carry out this part equals or exceeds
21 \$50,000,000.

22 “(2) CONTINUATION OF AWARDS.—Notwith-
23 standing any other provision of this part, a State re-
24 ceiving a grant under subpart 2—



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1 “(A) shall give special consideration to a
2 request for the continuation of an award within
3 the State, made by any public or private agen-
4 cy, institution, or organization that was award-
5 ed a grant or contract under subpart 1 for a
6 fiscal year for which such subpart was in effect;
7 and

8 “(B) may use funds received under such
9 grant for the purpose of permitting the agency,
10 institution, or organization to continue to re-
11 ceive funds in accordance with the terms of
12 such award until the date on which the award
13 period terminates under such terms.

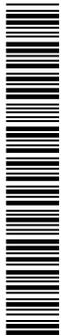
14 **“Subpart 1—Discretionary Grant Program**

15 **“SEC. 10211. PURPOSE.**

16 “The purpose of this subpart is to initiate a coordi-
17 nated program of scientifically based research, demonstra-
18 tion projects, innovative strategies, and similar activities
19 designed to build a nationwide capability in elementary
20 and secondary schools to meet the special educational
21 needs of gifted and talented students.

22 **“SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF**
23 **GIFTED AND TALENTED STUDENTS.**

24 “(a) ESTABLISHMENT OF PROGRAM.—



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1 “(1) IN GENERAL.—Subject to section 10203,
2 from the sums available to carry out this subpart in
3 any fiscal year, the Secretary (after consultation
4 with experts in the field of the education of gifted
5 and talented students) shall make grants to, or enter
6 into contracts with, State educational agencies, local
7 educational agencies, institutions of higher edu-
8 cation, other public agencies, and other private agen-
9 cies and organizations (including Indian tribes and
10 Indian organizations (as such terms are defined in
11 section 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 450b)) and Native
13 Hawaiian organizations) to assist such agencies, in-
14 stitutions, and organizations in carrying out pro-
15 grams or projects authorized by this subpart that
16 are designed to meet the educational needs of gifted
17 and talented students, including the training of per-
18 sonnel in the education of gifted and talented stu-
19 dents and in the use, where appropriate, of gifted
20 and talented services, materials, and methods for all
21 students.

22 “(2) APPLICATION.—Each entity desiring as-
23 sistance under this subpart shall submit an applica-
24 tion to the Secretary at such time, in such manner,
25 and containing such information as the Secretary



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1 may reasonably require. Each such application shall
2 describe how—

3 “(A) the proposed gifted and talented serv-
4 ices, materials, and methods can be adapted, if
5 appropriate, for use by all students; and

6 “(B) the proposed programs can be evalu-
7 ated.

8 “(b) USES OF FUNDS.—Programs and projects as-
9 sisted under this subpart may include the following:

10 “(1) Carrying out—

11 “(A) scientifically based research on meth-
12 ods and techniques for identifying and teaching
13 gifted and talented students, and for using gift-
14 ed and talented programs and methods to serve
15 all students; and

16 “(B) program evaluations, surveys, and the
17 collection, analysis, and development of infor-
18 mation needed to accomplish the purpose of this
19 subpart.

20 “(2) Professional development (including fellow-
21 ships) for personnel (including leadership personnel)
22 involved in the education of gifted and talented stu-
23 dents.

24 “(3) Establishment and operation of model
25 projects and exemplary programs for serving gifted



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1 and talented students, including innovative methods
2 for identifying and educating students who may not
3 be served by traditional gifted and talented pro-
4 grams, including summer programs, mentoring pro-
5 grams, service learning programs, and cooperative
6 programs involving business, industry, and edu-
7 cation.

8 “(4) Implementing innovative strategies, such
9 as cooperative learning, peer tutoring and service
10 learning.

11 “(5) Programs of technical assistance and in-
12 formation dissemination, including assistance and
13 information with respect to how gifted and talented
14 programs and methods, where appropriate, may be
15 adapted for use by all students.

16 “(c) COORDINATION.—Scientifically based research
17 activities supported under this subpart—

18 “(1) shall be carried out in consultation with
19 the Office of Educational Research and Improve-
20 ment to ensure that such activities are coordinated
21 with and enhance the research and development ac-
22 tivities supported by such Office; and

23 “(2) may include collaborative scientifically
24 based research activities which are jointly funded
25 and carried out with such Office.



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1 **“SEC. 10213. PROGRAM PRIORITIES.**

2 “(a) GENERAL PRIORITY.—In the administration of
3 this subpart, the Secretary shall give highest priority to
4 programs and projects designed to develop new informa-
5 tion that—

6 “(1) improves the capability of schools to plan,
7 conduct, and improve programs to identify and serve
8 gifted and talented students; and

9 “(2) assists schools in the identification of, and
10 provision of services to, gifted and talented students
11 who may not be identified and served through tradi-
12 tional assessment methods (including economically
13 disadvantaged individuals, individuals of limited
14 English proficiency, and individuals with disabili-
15 ties).

16 “(b) SERVICE PRIORITY.—In approving applications
17 for assistance under section 10212(a)(2), the Secretary
18 shall ensure that in each fiscal year at least $\frac{1}{2}$ of the ap-
19 plications approved under such section address the priority
20 described in subsection (a)(2).

21 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES
22 FOR AUTHORIZED ACTIVITIES.—

23 “(1) IN GENERAL.—For fiscal year 2001 and
24 succeeding fiscal years, the Secretary shall ensure
25 that a percentage of the excess amount described in
26 paragraph (2) is used to increase (in proportion to



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1 any increases in such excess amounts) the number
2 and size of the grants under this subpart to State
3 educational agencies to begin implementing activities
4 described in section 10222(b) through competitive
5 subgrants to local educational agencies.

6 “(2) EXCESS AMOUNT.—For purposes of para-
7 graph (1), the excess amount described in this para-
8 graph is, for fiscal year 2001 and succeeding fiscal
9 years, the amount (if any) by which the funds ap-
10 propriated to carry out this subpart for the year ex-
11 ceed such funds for fiscal year 2000.

12 **“SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

13 “(a) REVIEW, DISSEMINATION, AND EVALUATION.—
14 The Secretary—

15 “(1) shall use a peer review process in review-
16 ing applications under this subpart;

17 “(2) shall ensure that information on the activi-
18 ties and results of programs and projects funded
19 under this subpart is disseminated to appropriate
20 State and local educational agencies and other ap-
21 propriate organizations, including nonprofit private
22 organizations; and

23 “(3) shall evaluate the effectiveness of pro-
24 grams under this subpart in accordance with section
25 14701, both in terms of the impact on students tra-



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1 ditionally served in separate gifted and talented pro-
2 grams and on other students, and submit the results
3 of such evaluation to the Congress not later than 2
4 years after the date of the enactment of the Student
5 Results Act of 1999.

6 “(b) PROGRAM OPERATIONS.—The Secretary shall
7 ensure that the programs under this subpart are adminis-
8 tered within the Department by a person who has recog-
9 nized professional qualifications and experience in the field
10 of the education of gifted and talented students and who—

11 “(1) shall administer and coordinate the programs
12 authorized under this subpart;

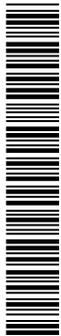
13 “(2) shall serve as a focal point of national
14 leadership and information on the educational needs
15 of gifted and talented students and the availability
16 of educational services and programs designed to
17 meet such needs; and

18 “(3) shall assist the Assistant Secretary of the
19 Office of Educational Research and Improvement in
20 identifying research priorities which reflect the needs
21 of gifted and talented students.

22 **“Subpart 2—Formula Grant Program**

23 **“SEC. 10221. PURPOSE.**

24 “The purpose of this subpart is to provide grants to
25 States to support programs, teacher preparation, and



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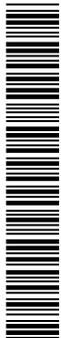
1 other services designed to meet the needs of the Nation's
2 gifted and talented students in elementary and secondary
3 schools.

4 **“SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF**
5 **FUNDS.**

6 “(a) IN GENERAL.—In the case of each State that
7 in accordance with section 10224 submits to the Secretary
8 an application for a fiscal year, subject to section 10203,
9 the Secretary shall make a grant for the year to the State
10 for the uses specified in subsection (b). The grant shall
11 consist of the allotment determined for the State under
12 section 10223.

13 “(b) AUTHORIZED ACTIVITIES.—Each State receiv-
14 ing a grant under this subpart shall use the funds pro-
15 vided under the grant to assist local educational agencies
16 to develop or expand gifted and talented education pro-
17 grams through one or more of the following activities:

18 “(1) Development and implementation of pro-
19 grams to address State and local needs for in-service
20 training programs for general educators, specialists
21 in gifted and talented education, administrators, or
22 other personnel at the elementary and secondary lev-
23 els.



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1 “(2) Making materials and services available
2 through State regional educational service centers,
3 institutions of higher education, or other entities.

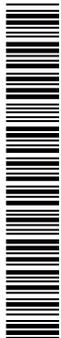
4 “(3) Supporting innovative approaches and cur-
5 ricula used by local educational agencies (or con-
6 sortia of such agencies) or schools or (consortia of
7 schools).

8 “(4) Providing funds for challenging, high-level
9 course work, disseminated through new and emerg-
10 ing technologies (including distance learning), for in-
11 dividual students or groups of students in schools
12 and local educational agencies that do not have the
13 resources otherwise to provide such course work.

14 “(c) COMPETITIVE PROCESS.—A State receiving a
15 grant under this subpart shall distribute at least 95 per-
16 cent of the amount of the grant to local educational agen-
17 cies through a competitive process that results in an equi-
18 table distribution by geographic area within the State.

19 “(d) LIMITATIONS ON USE OF FUNDS.—

20 “(1) COURSE WORK PROVIDED THROUGH
21 EMERGING TECHNOLOGIES.—Activities under sub-
22 section (b)(4) may include development of cur-
23 riculum packages, compensation of distance-learning
24 educators, or other relevant activities, but funds pro-



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1 vided under this subpart may not be used for the
2 purchase or upgrading of technological hardware.

3 “(2) ADMINISTRATIVE COSTS.—A State receiv-
4 ing a grant under this subpart may use not more
5 than 5 percent of the amount of the grant for State
6 administrative costs.

7 **“SEC. 10223. ALLOTMENTS TO STATES.**

8 “(a) RESERVATION OF FUNDS.—From the amount
9 made available to carry out this subpart for any fiscal
10 year, the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the
11 Secretary of the Interior for programs under this subpart
12 for teachers, other staff, and administrators in schools op-
13 erated or funded by the Bureau of Indian Affairs.

14 “(b) STATE ALLOTMENTS.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Secretary shall allot the total amount
17 made available to carry out this subpart for any fis-
18 cal year and not reserved under subsection (a) to the
19 50 States, the District of Columbia, and the Com-
20 monwealth of Puerto Rico on the basis of their rel-
21 ative populations of individuals aged 5 through 17,
22 as determined by the Secretary on the basis of the
23 most recent satisfactory data.

24 “(2) MINIMUM GRANT AMOUNT.—No State re-
25 ceiving an allotment under paragraph (1) may re-



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1 ceive less than $\frac{1}{4}$ of 1 percent of the total amount
2 allotted under such paragraph.

3 “(c) REALLOTMENT.—If any State does not apply for
4 an allotment under this section for any fiscal year, the
5 Secretary shall realloot such amount to the remaining
6 States in accordance with this section.

7 **“SEC. 10224. APPLICATION.**

8 “(a) IN GENERAL.—To be eligible to receive a grant
9 under this subpart, a State shall submit an application
10 to the Secretary at such time, in such manner, and con-
11 taining such information as the Secretary may reasonably
12 require.

13 “(b) CONTENTS.—Each application under this sec-
14 tion shall include assurances that—

15 “(1) funds received under this subpart will be
16 used to support gifted and talented students in pub-
17 lic schools and public charter schools, including stu-
18 dents from all economic, ethnic, and racial back-
19 grounds, students of limited English proficiency, stu-
20 dents with disabilities, and highly gifted students;

21 “(2) not less than 95 percent of the amount of
22 the funds provided under the grant shall be used for
23 the purpose of making, in accordance with this sub-
24 part and on a competitive basis, subgrants to local
25 educational agencies;



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1 “(3) funds received under this subpart shall be
2 used only to supplement, but not supplant, the
3 amount of State and local funds expended for spe-
4 cialized education and related services provided for
5 the education of gifted and talented students; and

6 “(4) the State shall develop procedures to
7 evaluate program effectiveness.

8 “(c) APPROVAL.—To the extent funds are made
9 available for this subpart, the Secretary shall approve an
10 application of a State if such application meets the re-
11 quirements of this section.

12 **“SEC. 10225. ANNUAL REPORTING.**

13 “Beginning 1 year after the date of the enactment
14 of the Student Results Act of 1999, a State receiving a
15 grant under this subpart shall submit an annual report
16 to the Secretary that describes the number of students
17 served and the activities supported with funds provided
18 under this subpart. The report shall include a description
19 of the measures taken to comply with paragraphs (1) and
20 (4) of section 10224(b). To the extent practicable and oth-
21 erwise authorized by law, this report shall be submitted
22 as part of any consolidated State performance report for
23 State formula grant programs under this Act.



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1 **“Subpart 3—National Center for Research and Devel-**
2 **opment in the Education of Gifted and Talented**
3 **Children and Youth**

4 **“SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

5 “(a) IN GENERAL.—The Secretary (after consulta-
6 tion with experts in the field of the education of gifted
7 and talented students) shall establish a National Center
8 for Research and Development in the Education of Gifted
9 and Talented Children and Youth through grants to or
10 contracts with one or more institutions of higher education
11 or State educational agencies, or a combination or consor-
12 tium of such institutions and agencies and other public
13 or private agencies and organizations, for the purpose of
14 carrying out activities described in section 10212(b)(1).

15 “(b) DIRECTOR.—Such National Center shall have a
16 Director. The Secretary may authorize the Director to
17 carry out such functions of the National Center as may
18 be agreed upon through arrangements with institutions of
19 higher education, State or local educational agencies, or
20 other public or private agencies and organizations.

21 “(c) COORDINATION.—Scientifically based research
22 activities supported under this subpart—

23 “(1) shall be carried out in consultation with
24 the Office of Educational Research and Improve-
25 ment to ensure that such activities are coordinated



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1 with and enhance the research and development ac-
2 tivities supported by such Office; and

3 “(2) may include collaborative scientifically
4 based research activities which are jointly funded
5 and carried out with such Office.

6 **“Subpart 4—General Provisions**

7 **“SEC. 10241. CONSTRUCTION.**

8 “Nothing in this part shall be construed to prohibit
9 a recipient of funds under this part from serving gifted
10 and talented students simultaneously with students with
11 similar educational needs, in the same educational settings
12 where appropriate.

13 **“SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHIL-
14 DREN AND TEACHERS.**

15 “In making grants and entering into contracts under
16 this part, the Secretary shall ensure, where appropriate,
17 that provision is made for the equitable participation of
18 students and teachers in private nonprofit elementary and
19 secondary schools, including the participation of teachers
20 and other personnel in professional development programs
21 serving such children.

22 **“SEC. 10243. DEFINITIONS**

23 “For purposes of this part:

24 “(1) The term ‘scientifically based research’—



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1 “(A) means the application of rigorous,
2 systematic, and objective procedures to obtain
3 valid knowledge relevant to the education of
4 gifted and talented children; and

5 “(B) shall include research that—

6 “(i) employs systematic, empirical
7 methods that draw on observation or ex-
8 periment;

9 “(ii) involves rigorous data analyses
10 that are adequate to test the stated
11 hypotheses and justify the general conclu-
12 sions drawn;

13 “(iii) relies on measurements or obser-
14 vational methods that provide valid data
15 across evaluators and observers and across
16 multiple measurements and observations;
17 and

18 “(iv) has been accepted by a peer-re-
19 viewed journal or approved by a panel of
20 independent experts through a comparably
21 rigorous, objective, and scientific review.

22 “(2) STATE.—The term ‘State’ means each of
23 the 50 States, the District of Columbia, and the
24 Commonwealth of Puerto Rico.



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1 **“SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) SUBPART 1 OR 2.—Subject to section 10203,
3 there are authorized to be appropriated \$10,000,000 to
4 carry out subpart 1 or 2 for fiscal year 2000 and such
5 sums as may be necessary for each of fiscal years 2001
6 through 2004.

7 “(c) SUBPART 3.—There are authorized to be appro-
8 priated to carry out subpart 3 \$1,950,000 for each of fis-
9 cal years 2000 through 2004.”.

